

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Case No. 2:17-cv-01798-APG-PAL

ORDER

(Mot Stay Disc – ECF No. 43)

VEGAS PROPERTY SERVICES, INC., et al.,
Defendants.

12 Before the court is plaintiff Federal National Mortgage Association's Motion to Stay
13 Discovery (ECF No. 43). The court has considered the motion, defendant Vegas Property
14 Services, Inc.'s Opposition (ECF No. 46), and plaintiff's Reply (ECF No. 48).

15 This is a quiet title/declaratory relief action arising out of an HOA foreclosure sale of real
16 property in which Fannie Mae asserts it has an interest that could not be extinguished as a matter
17 of federal law. The motion to stay argues no discovery is needed to decide Fannie Mae's motion
18 for summary judgment which is based on the federal foreclosure bar and on federal preemption
19 grounds. Vegas Property opposes the motion because counsel for Fannie Mae failed to meet and
20 confer before filing it.

21 On April 13, 2018 Vegas Property filed a response to the motion for summary judgment
22 and request for relief under Fed. R. Civ. P 56(d). Vegas Property argues discovery is needed
23 concerning whether policies relied on in the countermotion for summary judgment were applicable
24 to Nevada, whether a 2015 policy is controlling, and to question Fannie Mae's ownership interest.
25 Vegas Property claims it has a good faith belief that Fannie Mae did not own the property at the
26 time of the HOA foreclosure sale at issue. The district judge will decide whether the discovery
27 Vegas Property seeks is needed before the motion for summary judgment is decided

Having reviewed and considered the moving and responsive papers,

1 **IT IS ORDERED** that:

2 1. Plaintiff Federal National Mortgage Association's Motion to Stay Discovery (ECF No.
3 43) is **GRANTED**.

4 2. The parties shall have 14 days from decision of Fannie Mae's countermotion for
5 summary judgment in which to file a proposed amended discovery plan and scheduling
6 order in the event any claim survives.

7 DATED this 19th day of April, 2018.

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10 PEGGY A. TEEN
11 UNITED STATES MAGISTRATE JUDGE

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